THE NATION

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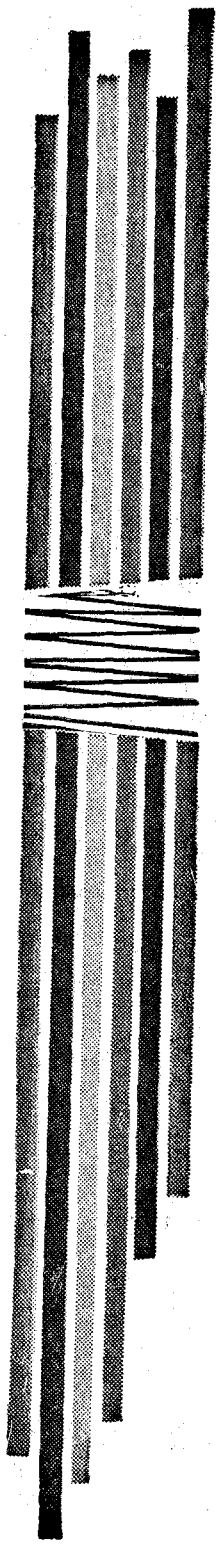

America's Jobless and Russia's Markets

Sir John Lomax

BOLD DESIGN FOR A NEW SOUTH

Martin Luther King, Jr.

Banning the Campus Speaker

William W. Van Alstyne

The Irish Famines

A Review by Sean O'Faolain

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LETTERS

Boondoggle

Hicksville, N. Y.

Dear Sirs: Your editorial, "Relief via 'Defense,'" in the March 9 issue, comments on the fact that defense contracts are allocated on bases other than strict dollar value. But this argument ignores the fact, often mentioned in your columns, that both this country and the Soviet Union have far more weapons than are needed to annihilate each other many times over. Such being the case, it becomes obvious that much of our arms program is a gigantic boondoggle, and it therefore seems both humanitarian and good politics to place defense contracts in areas that do need an economic shot in the arm.

Thirty years ago we had leaves to rake. Today we have leaves to rake again, albeit leaves in a somewhat different form. *Leon Cushman*

New facts on Cuba

Providence, R.I.

Dear Sirs: In "Cuba: The President and His Critics" (Mar. 16) William Appleman Williams has written a penetrating analysis. Some of the facts he reveals concerning the precipitation of the war with Spain I certainly never heard in my school days. . . .

Al Pereira
Program Director, WXCN

Collusive bids?

Wantagh, N.Y.

Dear Sirs: Richard J. Barber's "The Billion-Dollar Coincidence" in your issue of Feb. 23 is annoying not because of the conclusions it reaches, but because the conclusions are totally unsupported by the evidence.

Barber first lists fourteen incidents of identical bidding (the list includes complex items such as transformers and simple items such as hamburger rolls) and then . . . assumes that the identical bids are always reached in the same way—through conspiracy. This view is naive. Certainly conspiracy is more likely to be the answer for a highly complex, highly engineered product produced by only a few companies, than it is for a simple, standardized product produced by a greater number of firms.

Barber next offers as an example of the cost to the public of identical bidding the amounts that General Electric overcharged during the electrical-equipment conspiracies. The example is an unfortunate choice since the electrical conspiracies did not result in identical bidding. Rather, the companies agreed to rotate the low bid giving each member of the conspiracy a turn to win the order. . . .

Barber is correct in finding that identical bidding is characteristic of an oligopolistic market. In fact, this is the only kind of market in which it would make sense to call for bids at all. And he is also informative in listing price leadership and conscious parallelism as methods by which this identical bidding is nurtured. But he would have been equally correct had he noted that neither price leadership nor conscious parallelism is, in itself, illegal under our antitrust laws. In fact, the Supreme Court has ruled specifically that they are not.

The real weight of this piece is not that identical bidding is wrong, but rather that oligopolistic markets don't lend themselves to our traditional notion of competition. This is certainly true, and it is one of the most vexing problems confronting our courts and our economists.

W. P. Kennedy

Dallas, Tex.

Dear Sirs: First, I said explicitly that "overt collusion is not the only cause of identical bidding." The fact is, though, that conspiracy remains one of the favorite ways in which rival sellers curtail their price competition. The week of March 4, eight brass companies and five of their executives were fined a total of $158,000 after being found guilty of price-fixing. Interestingly, these companies had submitted many identical bids on government contracts in recent years.

Second, Mr. Kennedy is wrong in stating that "the electrical conspiracies did not result in identical bidding." Indeed it was the repetitive identical bids that these conspirators had made to the TVA which triggered off the case (for example, on a purchase of insulators made by the TVA in 1958, five bidders, General Electric among them, bid an identical price of $870.24).

Third, Mr. Kennedy misleads in stating that the Supreme Court has "ruled specifically that [price leadership or conscious parallelism] is not" illegal. Its 1954 *Theatre Enterprises* decision, which I am quite sure my critic has in mind, deals with a much narrower question. Evidence of consciously parallel pricing is, to the contrary, generally accepted by the courts as evidence of conspiracy.

In spite of the preceding factual deficiencies in his comment, I wholeheartedly agree with Mr. Kennedy that the problem of oligopoly is one of the most serious and most difficult economic issues our country faces. I said so in my article, of course, just as I also made clear that I am largely interested in identical bidding as "a symptom of artificially curtailed competition." But I dissent from Mr. Kennedy's apparent belief that identical bidding is to be regarded as little more than a coincidence, to which we can attach little, if any, real significance. In markets where a group of sellers, vending a basically homogeneous product, frequently submit precisely identical prices in sealed bids pertaining to future transactions, the inference of collusion, I insist, is legitimate. *Richard J. Barber*

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EDITORIALS

Soviet Overflights Must Stop!

The red blood of every red-blooded American will boil when he reads about Soviet airplanes flying over U.S. carriers at sea. The blood will turn into superheated steam when he learns about the wanton outrage which was perpetrated on the peaceful citizens of Alaska. Two Soviet reconnaissance planes penetrated thirty miles into our northernmost state. Since they had no bombs, they did not drop any, but their provocative intentions were clear. The insolence of the pilots, and those who sent them on their wicked mission, is the more intolerable because they flew at what is now a low speed—350 to 400 knots—and at 17,000 to 30,000 feet, where radar could hardly fail to detect them. Our interceptors duly rose to get a look at the interlopers, but since by that time the Soviet aircraft were on their way home, all our airmen could do was fly escort for them across the Bering Sea before turning back to their bases.

An ominous feature of this incident is that Soviet bases in Siberia are only sixty miles from Alaska at their nearest points—even closer than Cuba is to the United States. The red-blooded citizen may well ask how long the Soviet occupancy of Siberia can be permitted to continue.

The insults and injuries we endure at the hands of the Russians are compounded by the fact that we have never given them cause to doubt our good intentions. When we flew U-2s over their territory for several years, we were doing it only because they would not furnish us with blueprints showing their missile bases and plutonium plants. We buzz their trawlers, it is true, but that is only to ascertain whether they are really fishing, or carrying radar equipment to spy on us. As for the reconnaissance flights which we conduct daily over Cuba, or whenever the spirit moves us, these are clearly actions necessary to maintain world peace. If Castro would allow us to occupy his island and see what he is hiding in those caves of his, there would be no necessity for aerial reconnaissance.

The best illustration of our peaceful intentions and flawless rectitude is the raid of the Second Escambray Front and Alpha 66, during which they shelled a Russian freighter and a Russian camp in Cuba. Later these brave Cubans held a press conference. Was it staged in some secret hideout, with the reporters blindfolded as they came and went? No! The intrepid Cubans told their story in a Washington hotel, and revealed that they had inflicted well-deserved casualties on the Russian invaders. The State Department deplored their actions, on the ground that they do not "really weaken the grip of the Castro regime." If the Russians and Cubans are testing our mettle, let them beware. Unlike his self-righteousness, Uncle Sam's patience is not inexhaustible.

Egad, Civilians!

Walter Rathenau, the industrialist and statesman who succeeded in postponing Germany's defeat in World War I and rendered inestimable services to the state, once remarked that at heart he felt himself inferior to any member of the Prussian officer caste. He would have benefited by a heart-to-heart talk with Robert S. McNamara, whose inferior feelings vis-à-vis the military are vestigial, if they exist at all. Mr. McNamara is an industrial intellect of the highest order, and he will need to have his wits about him as the attacks of the embattled officer caste in the Air Force, and their allies and brother officers in Congress, mount in intensity (see Jerry Greene's story on page 264). He will also need the hide of a rhinoceros. The get-McNamara drive is only beginning and, with ups and downs, it will last as long as the Secretary is in office.

Even Representative Hébert, normally a sensible Congressman and no friend of military men who sell their real or purported influence to industry after retirement, now takes a dim view of Mr. McNamara's insistence on running the procurement functions of the Pentagon. "I prefer to take my stand," he proclaims, "with the professional military man who has had years of experience, who has faced the enemy on the battlefield . . . in preference to the striplings who are the geniuses in the intellectual community but have never heard a shot fired in anger."

This is unalloyed nonsense. McNamara and the other "whiz kids" all came out of the services in World War II. They shot and were shot at. But they happen to have other talents as well, and unhappily war has changed so radically since we had our last big war —even since the Korean War—that years of experience in and prior to these intervals add little or nothing to an officer's judgment. It may even warp it to the country's disadvantage. Before he derides Dr. Harold Brown as a "thirty-five-year-old genius," Mr. Hébert should reflect, also, that operational analysis by American scientists, some of them under thirty-five, materially shortened World War II and saved countless American lives. And if Mr. Hébert should have the Library of Congress compile a list of major scientific and technological contributions made by men under thirty-five, he might change his ideas on that subject.

Actually, all that Mr. McNamara has done—and he will continue to do it—is to try to get a semblance of order into the obscene travesty that now passes for "defense," with the chief influence-peddlers in the Congress itself, and their industrial constituents, fighting like dogs over the spoils. McNamara listens to the generals and the admirals when they have some technological competence and are able to tell him what they want. Then he tries to get it for them at

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reasonable expense. We are spending nearly $60 billion in military and related appropriations as it is. Representative Lindsay points out (*Congressional Record,* March 13) that, given a free hand, the service chiefs would *double* the present figures. Mr. Lindsay comments: "This is one reason why, fortunately, we have civilian control over the military."

There is worse to come for Senator-General Barry Goldwater and the other get-McNamara protagonists. There are indications that McNamara's aim is to divorce the military from procurement entirely. The Brass will tell him what they need, they will be consulted on changes, but civilians will do the negotiating and select the contractors. These civilians will be as hard-boiled as McNamara himself when it comes to dipping into the Treasury. When that point is reached, there will indeed be wailing and gnashing of teeth, but it will come neither from the taxpayers, nor the military men who know their proper function, nor the contractors who have what it takes.

The Lesson

In its issue of September 1, 1962, *The Nation* ran an editorial titled *Terra Incognita in Space,* advising against further experiments like the July 9 high-altitude blast over Johnston Island in the Pacific. After six months, the advice appears more apposite than when it was issued. Probably Dr. James Van Allen, who called the test a "splendid experiment" before it was made, now would hesitate to promote further ventures in this field, until more is known about the possible effects.

Proverbially, when doctors disagree, it is hard on the patient. Before the fact, Sir Bernard Lovell, eminent British scientist, objected strenuously to the *Starfish* test; his protests were brushed aside as if he had been a college freshman. After the blast was set off and the equipment of satellites in orbit began to fail as a result of exposure to intensified and more widespread radiation, there was still no acknowledgment that a serious error had been made. When a committee coordinated by Dr. Jerome Wiesner, the President's special assistant for science and technology, came up with some rather pessimistic findings, Dr. Van Allen took a club to Dr. Wiesner and reaffirmed that the *Starfish*-created radiation was of little consequence and in any case would practically all be dissipated within a year. But now, after the data from sounding rockets and other sources have been analyzed, Dr. Van Allen concedes that the artificial belt may last for ten years, may aggravate the radiation menace to manned flights for some time and, what is worst of all, "some nice little scientific questions" about the natural radiation belt nearest the earth, which existed before Dr. Van Allen discovered it, "may be hopelessly fouled up for some time."

Dr. Van Allen explains the change in his views as "the difference between intuitive expectations and actual observations." Precisely. He might add that the primary cause of the misfortune is that American scientists, more than those of any other country, are chained to the cold-war chariot. In this connection, we should not lose sight of the fact that, though Dr. Van Allen was a leading sponsor of doing *Starfish,* he did deplore the way in which it was done. Before the AAAS, he denounced as "quite inexcusable" the failure of the *Starfish* managers "to produce a substantial study of the scientific consequences of these tests long before the decision was made to conduct them and before an announcement was made that they were to be conducted. . . ." To that, too, all friends of science may say amen.

The Spirit of San Jose

Depending on which news weekly you read—or which page of the same news weekly—your sleep may be filled with happy dreams, or you may rise from your bed drained by nightmares. *Time,* for instance (March 22, page 16) is charged with optimism (diluted by a few reservations) concerning the progress of the Alliance for Progress. There is more stability. Peru's "rejuggled junta is . . . steadfast in its election promises," which *Time* apparently takes seriously. Romulo Betancourt "seems destined" to serve out his term. By way of summation, a State Department official, though overenthusiastic in *Time's* view, is quoted: "I defy anyone to find any year in the last 150 when so much progress has taken place in Latin America."

How lovely! But then, on page 23, Archbishop Dom Helder Camara of Rio de Janeiro is quoted: "The Alliance for Progress is dead." He adds that he desires its resurrection; still, here below at least, death seems to be permanent. It must be said for *Time,* however, that it presents both sides. "Our rich in Latin America," the Archbishop continues, "talk much about basic reforms, but call Communists those who decide to carry them out. They continue to own 80 per cent of the land; in many cases they control Congress and have their degree of idealism and faith in the future measured by their deposits in U.S. and European banks." He concludes by saying that till there is drastic reform, pouring money into Latin America "is the same as throwing it in the ocean." This prelate talks the greatest good sense, and he must inspire uneasiness in those American bosoms which hope for the best down there below the Isthmus of Darien.

A similar dichotomy seems to have afflicted President Kennedy on his good-neighbor visit to Central America. On the one hand, he was burgeoning with optimism, beaming at an apartment house built in Costa Rica with Alliance for Progress funds, and assuring the Central American Presidents that free men would build a *cordon sanitaire* around Castro through which infection would never reach their republics. He did not spell out who these builders would be (although he did say that the wall would not be of bricks or cement) and there are further reasons for doubting that he is as confident as he sounded. At Fort Gulick in the Canal Zone, at Fort Sherman in the United States, at Fort Bragg and numerous bases elsewhere, American and Latin American soldiers are

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being trained by the thousands in the arts of counter-insurgency, i.e., putting down Castro-type insurrections. U. S. corporation money is going into "civic action" programs to persuade the Latin Americans that Uncle Sam knows what is best for them. Lest the Latin American police become too complaisant, they are taught how to handle their own populations by strong-armed Americans. Someone is scared, and it isn't only Castro.

The Patent Giveaway

When the hired scientific brains of a corporation come up with an invention, the title, patent and any ensuing profits belong to the employer. All very natural and right, isn't it? After all, the scientist is working on company time in a laboratory and with materials furnished by the company. But suppose the invention is made in pursuance of a company contract with the Department of Defense, in a laboratory and with materials underwritten by tax money? To whom, then, does the patent belong? Alas, not to the government—the taxpayer, that is—but again to the company. This is standard procedure with Defense when it awards research-and-development (R & D) contracts, the idea being that private initiative simply won't operate unless it is promised the icing along with the cake.

Defense's R & D contracts total $11 billion for fiscal 1964, 60 per cent of which go to ten giant corporations. The dollar value of the patent potentials that lie in those $11 billion is anybody's guess. "Never," Richard J. Barber, Southern Methodist University law professor, recently told a Senate Small Business subcommittee, "has so much money been spent by the government with so little consideration for its ultimate social and economic consequences." Now it is proposed that the government spend even more money with even less consideration; NASA, with a $4 billion R & D budget, wants to abandon its former policy of retaining patents in favor of exercising the same giveaway privilege enjoyed by Defense. But the Senate Small Business subcommittee disagrees, and so does the small handful of Senators and Congressmen who can always be relied upon to fight for the public interest against private non-enterprise. "Let's not have any more giveaways," Sen. Ernest Gruening (D., Alaska), warned. He called NASA's proposal "contrary to Congressional policy and to the best interests of our country." Sen. Wayne Morse, (D., Ore.), charged that NASA was planning to give away "basic, substantive" public rights in government-financed research. Representative Edith Green (D., Ore.) summarized the matter succinctly on the floor of the House:

. . . Where NASA sponsors and pays for research and development . . . the ensuing inventions and discoveries should be the property of the federal government for the benefit of the general public and not for the benefit of only a particular contractor involved.

These are the decent voices of dissent. But a Congress which is ready to give away all future generations of Telstars to A. T. and T. is not likely to stifle NASA's equally generous impulses when it comes to public property.

BOLD DESIGN FOR A NEW SOUTH . . . . . Martin Luther King, Jr.

This is the Rev. Martin Luther King, Jr.'s third annual report to the readers of *The Nation* on the battle for civil rights (see: "Equality Now," Feb. 4, 1961; "Fumbling on the New Frontier," March 3, 1962). — Ed.

An arresting paradox emerged in 1962. History will doubtless judge the year as marking a favorable turning point in the struggle for equality, yet it was also the year that civil rights was displaced as the dominant issue in domestic politics. Although thundering events in Oxford, Miss., and Albany, Ga., captured public attention, there was a perceptible diminishing in the concern of the nation to achieve a just solution of the problem.

Part of the blame must be laid to the Administration's cautious tactics. Early in the year, the President backed away from the Senate fight to amend Rule 22, the so-called filibuster rule; had he entered the fray, the amendment would probably have passed and the greatest obstacle to the passage of civil-rights legislation would have been smashed. (Despite this experience, the President again remained aloof, under similar circumstances, in January of this year, and again the amendment failed to carry.) True, 1962 was the year of the Cuban crisis, which understandably tended to dwarf all other issues. Yet even in the shadow of Cuba, such issues as trade legislation and tax reform took the play away from civil rights in editorial columns, public debate and headlines.

The Administration's circumscribed actions in the civil-rights field was generally accepted by the public; even liberal forces proved watchful rather than anxious, hopeful rather than insistent. The demand for progress was somehow drained of its moral imperative, and the issue no longer commanded the conscience of the nation as it had in previous years.

The decline of civil rights as the Number One domestic issue was a direct consequence, I believe, of the rise and public acceptance of "tokenism." The American people have not abandoned the quest for equal rights; rather, they have been persuaded to accept token victories as indicative of genuine and satisfactory progress.

An impressive list of government

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actions took place in 1962 affecting job opportunities, voting rights, desegregation of public facilities, the appointment of Negroes to official posts, housing discrimination, etc. In fairness, it must be said that this Administration has outstripped all previous ones in the breadth of its civil-rights activities. Yet the movement, instead of breaking out into the open plains of progress, remains constricted and confined. A sweeping revolutionary force is pressed into a narrow tunnel.

This is inevitable when sharply limited goals are set as objectives in place of substantial accomplishments. While merely 7 per cent of Negro children in the South attend integrated schools, the major battle of the year was over one Negro in a Mississippi university. Two thousand school districts remain segregated after nearly a decade of litigation based upon Supreme Court decisions.

Hundreds of Southern communities continue to segregate public facilities, yet even after the immense efforts and sacrifices of the weary Negro citizens of Albany, Ga., the government enters the fray only at the periphery, filing an *amicus curiae* brief in a law suit.

Negro unemployment has mounted to double the proportion of white unemployment, and government action produces a handful of jobs in industries possessing government contracts.

Housing discrimination confines Negroes to slums, North and South, and an Executive Order forbidding it affects the smallest possible area.

If tokenism were our goal, this Administration has adroitly moved us towards its accomplishment. But tokenism can now be seen not only as a useless goal, but as a genuine menace. It is a palliative which relieves emotional distress, but leaves the disease and its ravages unaffected. It tends to demobilize and relax the militant spirit which alone drives us forward to real change.

Tokenism was the inevitable outgrowth of the Administration's design for dealing with discrimination. The Administration sought to demonstrate to Negroes that it has concern for them, while at the same time it has striven to avoid inflaming the opposition. The most cynical view holds that it wants the vote of both and is paralyzed by the conflicting needs of each. I am not ready to make a judgment condemning the motives of the Administration as hypocritical. I believe that it sincerely wishes to achieve change, but that it has misunderstood the forces at play. Its motives may better be judged when and if it fails to correct mistakes as they are revealed by experience.

The day for assessing that experience is at hand. Token gains may well halt our progress, rather than further it. The time has come when the government must commit its immense resources squarely on the side of the quest for freedom. This is not a struggle in which government is a mere mediator. Its laws are being violated.

In a dispute between capital and labor, the government may assume the role of mediator when the simple determination of wages is the issue. But it did not assume this role in the '30s, when the issue was a basic right—the freedom of labor to organize and be represented. Then a law of stern and sweeping power put the government wholly on labor's side. A National Labor Relations Board legislated and enforced labor rights in every nook and cranny of the nation, bending the most powerful corporations into compliance.

Negro rights have no comparable government bastion. Negroes are isolated in communities which daily violate their constitutional privileges with total impunity. The government cannot merely mediate, because basic legal rights are involved. The scale on which violations exist is so vast that limited approaches will never reach the evil; only enforcement machinery of vast proportions will be equal to the task.

Government has not accepted the philosophy of tokenism in defense of economic planning. We have created scientific and industrial miracles: computers solve in minutes problems humans would require hundreds of years to calculate; man-made instruments guide missiles millions of miles into space, measuring and analyzing the components of other worlds. Yet in a luncheonette in a Southern town, the government cannot make the Constitution function for human rights.

The government cannot merely mediate because the national interest is deeply involved. The widespread, blatant and persistent denial of human rights in huge regions of our nation constitutes our gravest weakness before world tribunals and world opinion. Our national interest compels us to do more than seek tokens of justice.

I stated at the outset that while 1962 was the year in which civil rights receded as the primary domestic issue, it was also a year that marked a favorable turning point in this area. In what sense can 1962 be considered "favorable"?

The Kennedy Administration may have embraced tokenism as a least common denominator, acceptable to the whole South. But the fact is that this approach is tactically and strategically unsound; the South is not, today, one whole. It is already split, fissured into two parts; one is ready for extensive change, the other adamantly opposed to any but the most trivial alterations. The Administration should not seek to fashion policies for the latter; it should place its weight behind the *dynamic* South, encouraging and facilitating its progressive development.

The simple and arresting truth that became clear in 1962 is that significant elements of the South have come to see that segregation has placed the whole region socially, educationally, and economically behind the rest of the nation. What is the evidence for this? The following are quotations from the leading white newspaper of the South, the *Atlanta Constitution*:

> *We have stopped justifying and begun rectifying racial wrongs. We have traded self-deception for self-respect. . . .*
>
> *This is the South we are proud of — a land of gentlemen, plain-spoken, manly and respectful of their people . . .* not a swampland of the deceitful where weaselers dodge and cavil and speak half-truths to the unknowing. . . .
>
> *As a Negro is freed from force, the white man is freed from guilt; as narrow political systems pass, our people broaden; as schooling improves, factory payrolls will multiply and as America grows, the South will more than match her. The South is going to pass her. For here on the final frontier, greatness is setting in. . . .*

In the same week these challenging words were written as a Declaration of Independence of a new

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South, the Governor of North Carolina declared in plain-spoken terms that discrimination in employment in his state must go.

This is the moment for government to drive a wedge into the splitting South, spreading it open. Negroes and enlightened whites have already built alliances which are registering momentous gains in the electoral arena. In 1962, Georgia, on the basis of a Negro-white *de facto* alliance, elected a moderate Governor, a moderate Mayor in Atlanta, a moderate Congressman from the most populous county, and sent a Negro to the State Senate for the first time in nearly a hundred years.

The South is fissuring along a seam which divides the industrializing regions from the stagnating, backward, agricultural areas. This is significant because the new social and political attitudes are rooted in economic necessity. New industry will not come where dying customs create social tensions, second-rate education and cities without the cultural institutions required for the technical personnel of modern industry.

In short, communities have learned that they cannot live in the past and enjoy the fruits of the present. More and more Southerners are speaking out, telling plain truths to the bitter and the blind. Enlightened self-interest makes them accept the Negro's drive for freedom as an ally rather than an enemy.

There will still be differences of opinion in the South. Yet the present direction is forward and the areas in which blind conflict rages are narrowing. We will continue to know jails at first hand because change will not come easily in many places. Nevertheless, we will negotiate desegregation into oblivion in one community as we batter its stubborn walls in another.

A "New South" View of Governor Barnett

Sanders in Greensboro (N.C.) Daily News

"Do not usurp our right to usurp the rights of our citizens!"

The crystallizing of this new social revolution confronts the Administration with the responsibility to pattern programs in bold designs. In place of timorous steps suitable for the Old South, the government should turn to the New South, giving it the aid it needs.

The Administration is at a historic crossroad. It has at stake its moral commitment, and with it its political fortunes. It will not weaken its international posture, but strengthen it, if it takes the road to democratization of the South in active unity with the enlightened South—white and Negro. It will not suffer domestically, because its fate in the large Northern cities will turn on the Negro electorate and these cities will determine who occupies the White House.

The President has called for civil-rights legislation in the present session of Congress in the face of earlier counsels of despair—the hostility of Congress, he was told, made any such proposals futile. The President's specific program includes some constructive measures. Regarding voting and registration, he has again introduced the proposal that completion of six grades of school should be accepted as evidence of literacy, qualifying the applicant for registration. Thousands of potential voters can be benefited by such a law. He has further proposed a mechanism for by-passing obstructive local registrars by specifying objective standards under which Federal Registrars may be appointed to qualify voters.

A legislative struggle this year need not be a quixotic exercise in futility. The obstructive coalition of Southern Democrats and Conservative Republicans can be split on this issue. The Republicans cannot afford to block civil-rights legislation which the President earnestly sponsors, and Southern Democrats cannot defeat it if they are isolated;

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if, however, the President is lethargic, the Republicans can be tranquil. They can content themselves merely with criticizing the President in the absence of real challenge. If civil rights is elevated to the urgency that trade, tax and military legislation enjoys, 1963 can be a year of achievement and not another annual experience with frustration.

These are practical political considerations all dictating one road. Yet above it all, a greater imperative demands fulfillment. Throughout our history, the moral decision has always been the correct decision. From our determination to be free in 1776, to our shedding of the evil of chattel slavery in 1863, to our decision to stand against the wave of fascism in the 1930s, we grew and became stronger in our commitment to the democratic tradition. The correct decision in 1963 will make it a genuine turning point in human rights. One hundred years ago a President, tortured by doubts, finally ended slavery and a new American society took shape. Lincoln had hoped the slavery issue could be relegated to secondary place, but life thrust it into the center of history. There segregation, the evil heritage of slavery, still remains.

America's Jobless and Russia's Markets

Sir John Lomax

London

There is not the smallest sign that Americans, though businessmen par excellence, realize the central truth that the line of total hostility toward Russia impales them upon a dilemma which has beset the United States economy since the end of the Kaiser's War.

This idea rests upon an assumption which — in round figures — may be stated as United States dependence, for full employment, upon its ability to export a surplus capacity of 20 per cent of its total productive potential. For every 1 per cent of the surplus not so disposed of, so the assumption goes, there will be one million unemployed. The present degree of idle capacity in the United States is indicated by about six million workless. This is not an alarming figure by American standards, but if events are allowed to drift—in the Coolidge manner, for example — unemployment could reach a calamity level of 20 million, as it did in the early thirties. Since one consequence of that situation was the banishment to the wilderness for twenty years of the political party responsible, it may be supposed that the Administration in Washington would do almost anything to prevent a repetition. But what could it do?

For the problem there is no ordinary solution, nor has there ever been. The "classic" solution is for the surplus to pass into ordinary foreign trade, but the limitation on this outlet is the volume of *valuta* that other countries possess for spending on dollar imports. For the last three decades, this amount has never been enough. In fact, U.S. fiscal methods have tended always to deprive of dollars the very countries — e.g., the underdeveloped — whose need for U.S. commodities, via the trade media, is greatest.

Hence, the surplus has had to be absorbed by some extra-commercial means. This phenomenon is observable as far back as 1915, when the Allies, already ordering madly for their war needs, ran out of dollars and began to borrow. Until the war ended, and even afterwards, U.S. shipments went on and absorbed the surplus. In consequence, there was no unemployment in the United States; instead, vast debts accumulated, and most of them have never been paid to this day. It was America's first exercise — at that time, quite unwitting — in giving away merchandise on a national scale.

There followed a period — 1923-29 — of hectic finance-house lending. This, too, provided borrowers with funds to buy U.S. goods, and the American surplus was duly absorbed. But again a high percentage of the loans defaulted, with the end result that a corresponding proportion of the goods was also given away. Proof is that when, after 1929, the loans ceased, and there were none but commercial exports, the surplus remained unsold—in fact, mostly unmanufactured—and soon after America had 20 million unemployed.

Throughout America's economic story to date the same theme runs. To keep anything like full employment, the United States has had to give away its unsold surplus by a succession of devices: lend-lease, Marshall aid, Point Four allocations, and contributions to defense for practically every country that would accept it. During many years of this period, of course, the surplus was absorbed — and indeed exceeded — by armaments manufacture for the national and Allied armies, and even after World War II by the rearmament provoked by Russia under Stalin.

Incidentally, it was by this give-away process, in one form and another, that the United States brought about the economic revival of many nations, especially Japan and the countries of Western Europe. But now these countries are restored; they are standing on their own feet, and some act like competitors.

Thus the situation has changed radically. The American surplus problem can no longer be solved by lavish gifts. For one thing, it is coming to light in ominous fashion that the process would soon lead to a currency problem of serious dimensions. Already the drain of benevolence and the cost of keeping small armies all over the world is wasting the U.S. gold reserves. If goods, food and services were given away to the limit of capacity — as during lend-lease, for instance — the gold reserve would have to be expanded fast to redress the payments deficits. No government could tolerate that; gold is a prime defense stockpile.

In this field, the United States is the more vulnerable because its posi-

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tion in the international exchanges is no longer dominating as it was almost since the early thirties. This is an ironic consequence of the lavish aid it has extended to allies and ex-enemies alike.

In summary, the expedients which have effectively propped up U.S. full-employment prosperity for the past thirty years — with a sorrowful interval in the early thirties — are no longer effective. Something else must be found. The question is, what?

Professional economists, always strong in government bureaus, believe that the solution is to find the right international arrangements. President Kennedy has pledged his faith in this line of action and pushed the Trade Expansion Act through a reluctant Congress. But, alas! the history of trade pacts shows how small is the advantage that they bring. The obvious reason is that both sides usually want the same thing — to export much and import little; to sell, but not to buy; to make for themselves what the other wants to export. After months and years of haggling, how much real substance has emerged from all the sessions of GATT? If anything worth while had resulted, there would now be no need for trade-expansion acts.

It is, of course, easy to imagine a Utopian system in which each country should buy and sell according to a rational division of production. The bureau economists see these beckoning visions whenever they notice the crude traders milling around in the great commercial free-for-all; unfortunately, they have never been able to devise a monetary system to fit their tidy plans of reform. No-trade-barriers is a function of universally convertible currencies; you cannot have the first without the second. But these conditions have not existed in the international exchanges since 1931. In the West's zone of influence, the virus of currency weakness has been an ever-present affliction, and there is still no antibody in sight.

Prospects that the United States can make a beneficial trade settlement are, in fact, diminishing. Ten years ago, the chances were better; most major countries, then, would have fitted into almost any plan—in their weakness, they needed a leader and benefactor. Now—except perhaps for Britain — they are strong in their own right. They can choose their own policy, and the strongest of them—France and Germany—are dedicated to policies from which they will not be moved by business talks, and which promise no economic advantage to the United States or anybody else.

The prospects of trade pacts which will have the indirect result of mopping up the U.S. surplus are just about nil. Something else must be found.

U.S. Gold Problem:
"The lady is not amused."

What the U.S. business community needs ideally is another market like its own: vast, homogeneous and adaptable to standardization; but also, unlike its own, undersupplied. In that rare category, there are no markets except Russia and, more remotely, China.

Moscow rules, directly and indirectly, 300 million consumers who have never gotten used to a scarcity level (nobody can); and, since the war, they have learned — and some have seen — how affluent peoples provision themselves. So, naturally, they now aspire to the car-per-family standard, and the portents suggest that they are not willing to wait long.

But even if the Kremlin should divert enough production from heavy industry — which it dare not, at least while the Achesons are waving the bloody shirt — it could probably do no better in a decade than make a beginning toward the Sears, Roebuck of 1900 level. To catch up fast, the Soviet Union would need to import at least upon a scale sufficient to take all the U.S. surplus productive capacity for the next decade.

But — the obstacles!

The political obstacle is obvious, but whether it is impassable depends upon President Kennedy. If he tries even the first line of the Acheson recipe, then it certainly is. Otherwise it is a fair deduction that Khrushchev would meet him halfway on any agenda which did not include the reunification of an atomic Reich.

Then there are the commercial-diplomatic obstacles: trading terms, finance and currency. None of these difficulties has ever been subjected to negotiation in a willing atmosphere and it has been assumed that they would be very much the same as arise among countries of the West. Such a view may well be wrong. The main bugbear among the major trading nations has always been the reluctance to import anything. But — politics apart — the Russians have never displayed any reluctance to buy what they evidently need. The folly of tariff walls has no Russian tradition.

Then there is the currency obstacle. What would the Russians use for money? Seen through the dim quality of the West's central-banking credenda, the difficulty looks insurmountable. Here is a field, we must admit, in which Wall Street's

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imagination has not been sharp to devise even a viable currency for the New World, to say nothing of other zones yearning for the shelter of the dollar.

Perhaps this is an area in which we have something to learn from Moscow. Certainly the Russians seem to have done better in their sphere of influence. One does not hear of non-convertibility and ruble-gaps among the nations of the Soviet bloc. The weaker partners are not gift-fed; they have always been given facilities to trade.

Perhaps import freedom and convertible, universal currency go together. After all, it was a regime of no-tariffs at home and skilled finance techniques abroad, rather than Fort Knox-like reserves, by which London bankers kept the entire trade of the world liquid, secure and smooth-moving for the two centuries before 1930. Events in the foreign-exchange field since then suggest that almost any change would be an improvement.

The United States and Russia grew up along parallel lines during the nineteenth century. Both endured the upset of revolution and civil strife, followed by the growing pains of occupying an empty continent. During the process, relations between them were always good. It is worth recalling that an American President thought it worth his while to save Russia from humiliation over the Russo-Japanese War settlement.

The Bolshevist madness divided the friends. But the Kremlin dictators overswung the pendulum; it is now moving back under the impulsion of public opinion. It is, however, only a faint, tremulous movement which could easily be reversed by a display of hostility from Washington.

Be that as it may, there is no other way for the United States to dispose of its surplus except to its neighbors across the Bering Strait.

Ganging Up on McNamara . . . . . Jerry Greene

Washington, D.C.

Washington's wacky season—is there any other kind in the nation's capital?—normally doesn't hit full blast until the dog days of summer, when legislative dispositions are steamed and frayed. But 1963 is going to be different. The difference is being provided by a most peculiar probe of a potential multi-billion-dollar fighter aircraft contract by the Permanent Investigations Subcommittee of the Senate Government Operations Committee.

Senator John McClellan (D., Ark.) is chairman of both bodies. The Senator, a one-time prosecuting attorney, has racked up a formidable record as an investigator, but he never got into anything like this. Rarely, for that matter, has anyone else, at least since the days when the late Secretary of the Interior Harold Ickes was tilting publicly with fellow members of the Roosevelt and Truman official families.

This odd brawl finds Democrat pitted against Democrat and the row has exploded openly on the floor of the House (even if, in the Senate, dignity precludes). It has produced strange tangents and become involved, indirectly, with Republican efforts to cut the budget and make political hay. It can serve no other purpose, finally, but to embarrass the Administration, of which McClellan is generically a supporter.

Taken at face value, the investigation could be construed as a direct challenge to the judgment, if not the integrity, of Defense Secretary Robert S. McNamara, a challenge the Secretary is perfectly willing to meet. Carried further, the Senatorial inquiry could be seen as an ugly manifestation of the power of that industry-military complex which drew a solemn warning from former President Dwight Eisenhower in his farewell address to the nation.

Fortunately, few of those who have followed closely the tangled developments believe either construction really valid. What has happened here seems to have been an instance of normal, practical political precaution getting out of hand because of the enthusiasm of lesser members of the crowd. But then, men have been hanged by mobs similarly stimulated.

The heart of the issue is the proposed production of a new tactical fighter plane for use by both the Air Force and the Navy. The plane was called the TFX until a first production contract was signed last fall with a combine of General Dynamics-Grumman Aircraft. It will be called the F-111A when it comes off the assembly line.

Only $28 million was involved in the initial papers. But estimates indicate that eventually the Pentagon will spend $6.5 billion for the aircraft—a goodly bait even in these moon-eyed times.

McNamara picked General Dynamics-Grumman as the prime contractor over Boeing Aircraft after a hot and bitter competition during which four times a joint Air Force-Navy Source Selection Board favored Boeing.

The Secretary detailed his reasons in thousands of words for the inquiring Senators, summing up as follows: "As Secretary of Defense, my responsibilities were clear; the decision was mine."

That, incidentally, is where the matter is eventually going to end. How much scar tissue the subcommittee wants to pile up is yet to be seen.

To enjoy the drama now under way, several indisputable facts must be kept in mind:

Fact 1: Boeing Aircraft, one of the nation's largest defense industries, is located in Seattle, Wash., where reportedly one out of every six citizens obtains a living from the company.

Fact 2: General Dynamics has New York headquarters and includes among its holdings the Convair Aircraft manufacturing facilities in San Diego and (significantly, as we shall see) in Fort Worth, Tex. (Grumman Aircraft is located on Long Island, N. Y., a matter seemingly unimportant at the moment.)

Fact 3: Sen. Henry (*Scoop*) Jackson, a Democrat, is from Washington and must run for re-election next year.

Now take a look at the cast of

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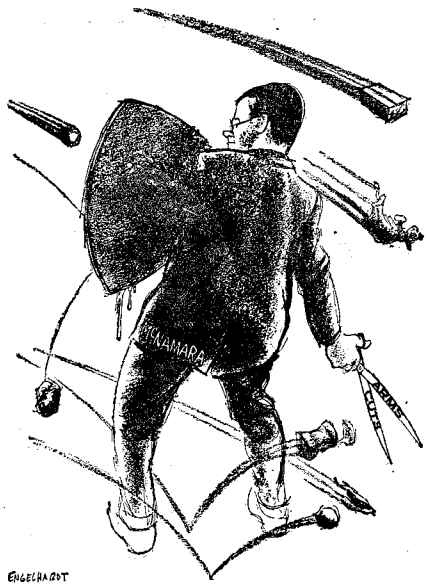
characters in this jet-age version of Whose Face Is That on the Barroom Floor. There is McClellan, old friend, employer and instructor and comrade-in-arms of Attorney General Bobby Kennedy, one-time chief counsel of McClellan's Rackets Committee. There is "Scoop" Jackson, friend of both Bobby and his brother, President Kennedy, softball teammate, former chairman of the Democratic National Committee, scholarly and astute politician. Then, of course, there is McNamara, the President's Cabinet strong man who, whether he likes it or not, is beginning to draw Republican attention as a possible Democratic Presidential candidate one day.

The theatre wings are filled with others: Vice President Lyndon Johnson, with a heart full of love for Texas; Democratic Congressmen Jim Wright of Texas and Otis Pike of New York; Assistant Secretary of Defense (Public Affairs) Arthur Sylvester; Rep. Garner Shriver (R., Kan.). There are many, many more.

It seems fairly established that the whole production got under way immediately after the Pentagon announced the selection of General Dynamics-Grumman as winner of the marathon contest. This thing had been going on for a long time. An assortment of the nation's finest engineers had put their lifeblood into the designs. The Boeing people believed they had offered to produce the best plane at the lowest cost; the figures could be read that way. Four times the Air Force-Navy Selection Board had picked Boeing, which now had reason to believe it had been jobbed.

It is not at all necessary for a loser company, in a case of this kind, to sit down and write a letter to a Congressman and cry foul. For the little people in these companies, the scientists and the engineers, believe devoutly in their own work and they have pride of accomplishment. They talk. More important, they are among the outstanding citizens in their respective communities, be it Fort Worth or Seattle, and they vote.

Senator Jackson began to pick up the static in his political antenna, not only from his home state, but from his part-time residence in Washington, D. C. For apart from the manufacturers, there were the military men who had poured



Engelhard: St. Louis Post-Dispatch
Secretary of Defense

months of earnest sweat into the project and seen their judgment and recommendations overturned. It has been estimated that 200,000 man-hours of labor went into the first three military-board evaluations of the two bids even before a fourth study was ordered.

And the injured pride of these men found voice among civilian partisans of the Air Force and Navy.

It was not only natural, it was a political must, for Jackson to become disturbed and suggest to his friend, Senator McClellan, that an inquiry be made. But at this point it was already apparent that two important blunders had been made.

In view of the importance of the contract and the fact that McNamara had overriden four recommendations of military boards, and particularly because of the obvious political impact of his decision, the Secretary should have made a public explanation of the sort he has offered since. For his part, Jackson picked the wrong committee. He is a member of McClellan's Government Operations Committee. But he also is a member of the Senate Armed Services Committee. The initial move for the TFX investigation was made in December. But Jackson knew that within thirty days the Armed Services Committee would begin its annual review of military posture, going over in detail an authorization bill for aircraft and missile procurement. Here is where the TFX program would have to be justified anyhow; here was the logical place for a probe.

But McClellan put his investigators to work. The first thinking was that a staff study would probably take care of the situation and extended hearings would not be necessary—or desired. Any sort of serious, legitimate inquiry would have served to indicate that Jackson was alert to the interests of his state and his constituents.

The investigators found some discrepancies and some obvious errors in arithmetic. There was little, if any, doubt that McNamara could explain all, but the feeling grew that there must be some sort of hearing.

Practically all details connected with the aircraft itself are secret, so obviously the hearings would have to be closed, with censored portions of the testimony released. McClellan announced that hearings would be held to look into the merits of the contract and to determine whether favoritism had been shown in its award.

In some manner, word reached McNamara that the committee would hold only three days of hearings. He was informed that it was desired that he be the lead-off witness, explain everything and generally put an end to the thing. Any other witnesses needed would serve merely to wind up any loose ends.

McNamara got some bad advice and decided against taking the lead-off spot. It could be that his advisers made the mistake of thinking that any Senate hearing could or would be wound up in three days.

So the hearings were formally begun, with McClellan intoning:

> *The subcommittee seeks to explore all circumstances associated with this procurement and to determine the correct basis and reason for the decision of the Air Force Secretary, the Navy Secretary, and the Secretary of Defense for making the award of this contract to the General Dynamics Corp.*

The committee promptly fell overboard into a technological sea involving such matters as whether Boeing's variable-sweep concept was bigger in promise than performance; whether or not it was practicable to use titanium, and whether the use of an untested thrust-reverser was merely "difficult" or "an insurmountable problem."

The probers found evidence indicating that the Boeing version of the TFX would fly faster and farther, carry a bigger bomb load and

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cost several million dollars less than the General Dynamics model. Also, there was evidence of a $70 million error in one of the calculations used by Air Force Secretary Eugene Zuckert.

From the censored testimony released by the committee, it would appear that, at very least, McNamara had committed a colossal blunder. Black and damaging newspaper headlines began to creep across the country. From the standpoint of the Secretary, the committee was using witnesses of substantially subordinate position to bolster a quarrel with his judgment. It appeared that way to others, too, while the McClellan committee continued its peculiar picking away at the fringes of the contract, with much repetition of statements that Boeing had offered the best at the cheapest price.

Representative Wright of Texas—General Dynamics controls Convair in Fort Worth, remember?—obtained the floor of the House for a full hour in a highly unusual attack on an investigation at that moment under way in a Senate committee. "It would be unfortunate indeed," Wright said, "if a great investigating committee which has done such notable and outstanding work in the past should degenerate in the public mind to a body attempting to exercise its power to influence the selection of contracts as between competing firms."

Wright candidly told the House that, in trying to get the contract awarded to General Dynamics, he had talked with everybody at the Pentagon who would listen and "I tried to be as persuasive as I knew how to be. . . . The same sort of thing was being attempted on the other side." But, he said, he didn't have any favors to grant and "most expressly I did not threaten anyone in the Defense establishment with a Congressional investigation if their decision should go against my wishes."

Rep. Mel Price (D., Ill.) chimed in to compliment Wright and say he was glad to have the expression of concern "that any time a contract is let there must be a Congressional investigation to follow."

Right into the midst of all this jumped Rep. Leslie Arends (R., Ill.), the House Republican Whip, to attack "I-got-all-the-answers McNamara" as a civilian dictator in the Pentagon. Arends was blasting McNamara's dim views of the RS-70 supersonic bomber which two administrations — Eisenhower's and Kennedy's — have been killing off slowly since 1958. But Rep. Garner Shriver (R., Kan.) picked up the theme to tie in the McNamara TFX decision as "a puzzling case in point."

McNamara seized the opportunity to snap back at Arends twenty-four hours later when he acknowledged, before a businessman's luncheon, that "it is true, in a sense" that he has acted as a dictator. He said the military service Chiefs of Staff submitted a budget totaling $67 billion and "I took $14 billion out of that." He was cheered loudly.

So with the McNamara-TFX affair spilling out all over town, it became inevitable that something had to give, that a climax must come quickly. Incessant headlines kept announcing more testimony indicating that McNamara had approved a second-best contract.

Assistant Secretary Sylvester, in his sometime role as an anonymous "Pentagon spokesman," really tore it when he commented that "obviously you will hardly get a judicial rendering from a committee in which there are various Senators with state self-interests in where the contract goes."

Now one simply doesn't call a Senator a bum in Washington with impunity unless the object of the name-calling is wearing the uniform of the local entry in the American League—and only then if the team has broken one of its occasional two-game winning streaks.

The expected uproar overshadowed the latest political count of Russian troops in Cuba. Sylvester spoke on a Friday. Over the weekend, he admitted ownership of the offensive words and by Tuesday—and after a letter of "apology" in which he expressed regret that his remarks had been interpreted by some to mean the Pentagon "does not believe the committee is conducting a fair hearing"—Sylvester was on the witness stand. He didn't find a friend among the inquiring Senators. Nobody can be more indignant than a politician caught in the truth, and there were injured feelings all over the place. Sylvester was willing to expect that "the tradition of fairness will prevail in the current hearings." But nowhere did he retract the "judicial rendering" crack and he kept insisting that the committee was no court of law.

McClellan said he wasn't interested in Sylvester's views on judicial rendering.

The preliminaries out of the way, McNamara climbed into the ring, swinging. He unloaded on the committee, prior to a climactic personal appearance, a 6,000-word summation of the whole TFX affair. He brought the case back into perspective and out of its titanium byways.

McNamara re-emphasized the fact that he had insisted upon development of one aircraft instead of two for the Navy and Air Force, despite much heel-dragging and insistence it couldn't be done. He stressed that the General Dynamics plane was far more adaptable to requirements of *both* services, that it was reported fully acceptable by the military chiefs—and that his decision would save the taxpayers $1 billion. "Fundamentally," he told the subcommittee, "we are dealing with a question of judgment. Granted there are specific technical facts and calculations involved, in the final analysis, judgment is what is at issue."

First, he said, there were the judgments of the competing contractors that they could build the aircraft at a given cost within a given time. Then the evaluators judged whether designs would meet requirements, and after that, the judgments of the Selection Board, "which appeared to place greater emphasis on potential bonus factors in certain operational areas, rather than on dependability of development and predictability of costs."

McNamara continued that the only way he knew to minimize

> *. . . the compounding of error that can occur through this pyramiding of judgment is to apply the judgment of the decision-maker not only to the final recommendation, but also to the underlying recommendations and facts. This I did to the best of my ability. In doing so, I found it necessary to balance the promises held out by competing contractors, against the hopes and aspirations of military officers, and the limiting realities of economics and technology.*

And President Kennedy isn't about to look for a new Secretary of Defense. McClellan's subcommittee has a date with some figures in the narcotics trade.

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Banning the Campus Speaker

William W. Van Alstyne

Mr. Justice Holmes once articulated the basis of free speech in the United States in the following words:

> *The best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which [our] wishes safely can be carried out.*

For Oliver Wendell Holmes, the truth of an idea is pragmatically demonstrated in that the idea attracts a consensus when it competes with other ideas in the market place of free discussion. A democratic government makes its decisions according to this process, not because this process is infallible in any absolute sense, but because, as Sidney Hook expresses it, "the deficiencies of alternative systems are much worse." Consistent with his political pragmatism, it was Holmes's position that government by consensus could not succeed unless the opportunity to utter and to hear all points of view remained relatively untrammeled by government itself.

This faith in the democratic process has recently been repudiated in some places where it should find its strongest support. Within the last year, many university administrators have assumed the right to sift ideas which speakers wished to discuss on invitation of various student groups, and they have forbidden the expression of ideas by persons whom they considered unqualified or subversive. Speaker bans have been enforced at the University of California, Michigan State University, Ohio State University and the New York City colleges, to name but a few. Some of the speakers, such as Gus Hall and Benjamin Davis, had been invited to discuss their views on communism. Others (such as William Buckley, who was denied the use of an auditorium at Hunter College, in New York City) wished to offer a different opinion. Malcolm X went to the University of California to discuss his beliefs regarding the Black Muslims. Still others, such as Frank Wilkinson, hoped to urge the legislative elimination of the House Committee on Un-American Activities. In banning these men, the censoring universities tacitly acknowledged a cynicism toward their own students which President Wilson of the University of Minnesota noted when he, in contrast, declined to ban Benjamin Davis from the Minnesota campus:

> *We believe it would be a disservice to our students and an insult to our nation's maturity if we were to deny Mr. Davis an opportunity to speak. Over-protected students might at once assume that Davis had something to say which was too strong for our reason and our convictions. The University is the product of a free society. It is neither afraid of freedom, nor can it serve society well if it casts doubts on the ability of our free institutions to meet the challenge of doctrines foreign to our own.*

Neither Justice Holmes's philosophy nor its application by President Wilson is new. Neither is it unappreciated by many faculty members and students immediately closed in by the censorship of their university administrations. The National Students Association and the American Association of University Professors have joined with the American Civil Liberties Union to plead that "students should enjoy the same right as other citizens to hear different points of view and draw their own conclusions."

Nevertheless, their plea has gone unheeded at many universities, and one might ordinarily suppose that the matter has been temporarily settled for all practical purposes. This supposition is false, for the right of students to hear competing points of view by invited speakers is not wholly within the discretion of administrative decision-makers alone. In some circumstances, the students' right is not merely a philosophic claim, but a legally enforceable claim as well—one which our state universities may not safely disregard. Indeed, as one canvasses Supreme Court cases since Justice Holmes's famous statement in 1919, he may come to believe that settled principles of constitutional law require a liberality in state-university speaker rules far beyond what currently prevails on many campuses. The balance of this article attempts to restate those principles, and to apply them to the present practice of speaker censorship.

The first amendment to the Constitution provides that "Congress shall make no law . . . abridging the freedom of speech." This restriction on Congress has, by Supreme Court decision, been read into the Fourteenth Amendment so as to apply equally against state governments. Moreover, the restriction must be respected by state universities as well as by state legislatures, because these universities are state agencies and constitutionally accountable for their actions. With respect to racial segregation, it has long been settled that a state-university rule barring Negroes is just as vulnerable constitutionally as though the rule had been adopted by the state legislature. The same proposition applies when a state-university rule affects freedom of speech as when it affects equality of opportunity.

It becomes necessary only to determine what restrictions on guest speakers constitute an "abridgment" to decide which state-university rules may be unconstitutional. Significantly, it is Justice Holmes's definition of "abridgment" that has been substantially adopted by the Supreme Court. His test presents us with a somewhat flexible means of determining whether the censorship or punishment of a speaker is unconstitutional; but it is a meaningful and useful test, none the less. Traditionally, this test was one of deciding in each case "whether the words used [by the speaker] are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that [the legislature] has a right to prevent." In 1951, in *Dennis v. United States*, the Supreme Court modified the clear-and-present-danger test by stating:

> *In each case [courts] must ask whether the gravity of the "evil," discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger.*

By substituting "probability of grave evil" for clear and *present* danger, the Court partly eliminated the requirement that the state must prove that the danger it sought to

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avoid by restraining a speaker is an *immediate* danger. Additionally, the *Dennis* test provides that the necessary quantum of danger which justifies restraining a speaker can be a smaller quantum when the evil to be avoided is particularly grave, i.e., the requisite probability varies inversely with the gravity of the evil. Subject to certain minor embellishments, this description accurately states the test which the Supreme Court will apply in determining whether a particular governmental restraint on political speech is constitutional.

Looking to the universities that have banned speakers recently, it may be seen that they have misapprehended or misapplied both parts of the test. They have improperly identified the kinds of *evils* that are constitutionally within their power to prevent, and they have failed to develop adequate standards to determine whether a given speaker is *likely* to precipitate the evils which they *can* prevent.

At the outside, the evils which justify restraints of speech are only as broad as the substantive power of the state legislature itself. For example, a state clearly can punish persons who assault a Congressman or who attempt to sabotage the Capitol. Consequently, speakers who would make such unlawful action highly probable may also be punished or restrained, notwithstanding the obvious literal infringement which such state power imposes on their freedom to make such speeches. On the other hand, the state cannot punish those who *vote* to remove Congressmen from office, or who would *vote* to sell the Capitol at public auction. Accordingly, it would be unconstitutional for government to punish those who advocate, urge or incite the public to vote in such a fashion, no matter how strongly the government itself would consider such eventualities to be evil.

This limitation with respect to the *kinds* of evils, or changes, government may or may not avoid by restricting speech is, of course, perfectly obvious. Nevertheless, it has been substantially ignored by state universities that have banned speakers who came only to advocate lawful conduct. Repeal of the McCarran Act, or disbanding of the House Committee on Un-American Activities by vote of Congress, are not actions which Congress could punish. Similarly, speakers who urge these acts by any constitutional means cannot be restrained or punished, either. The same is true of speakers urging recognition of Communist China, impeachment of the Chief Justice, cessation of nuclear testing by Executive Order or the establishment of a separate Negro state—ideas espoused by men who have been banned from state universities. Because the type of action being urged is not itself censurable, neither can government insulate itself from democratic change by censoring or forbidding speeches designed to bring about such action.

Even a ban against Communist speakers alone is constitutionally defective, precisely because it is related only to the affiliation of the speaker and not to the action he may urge during his proposed speech. It fails to distinguish among the kinds of substantive changes a given Communist speaker may advocate at the time. Communists on occasion may advocate the nationalization of industry, or recognition of Communist China, just as do many non-Communists. The fact that the Communist speaker may also harbor the view that violent revolution is desirable cannot be used to ban him if there is no reason to believe that he will successfully urge that particular action on his audience during the speech he seeks to make.

Precisely for this reason, the Supreme Court of California, in *Danskin v. San Diego Unified School District*, invalidated a state law banning "subversive elements" from public-school auditoriums. In its holding, the California court correctly quoted the Supreme Court of the United States in *DeJonge v. Oregon:*

> *The question, if the rights of free speech and peaceable assembly are to be preserved, is not as to the auspices under which the meeting is held, but as to its purpose; not as to the relations of the speakers, but whether their utterances transcend the bounds of freedom of speech which the Constitution protects.*

The Holmesian formulation protecting free speech, although it does not go nearly far enough to satisfy many liberterians, does go so far as to condemn rules currently enforced among some of our state universities. Generally, it is based on the proposition that those who are alarmed by what they believe to be false and misleading opinion should exercise their own freedom of speech in rebuttal. It rejects the notion that apprehension concerning the qualifications or veracity of a speaker can be used so to structure the market place of ideas that only sentiments agreeable to those in power shall be heard at all.

There is, however, one further qualification which may be legitimately employed to keep campuses from being overrun by speakers. Granting that freedom of speech occupies a preferred position in the hierarchy of constitutional values, it does not follow that it may be exercised at any time, in any manner, on any state property, without regard to the primary use to which the property has been dedicated. Obviously the corridors of a state office building may be closed altogether to speakers, lest their use by speakers effectively impair their essential function as passageways. Similarly, while public streets have traditionally been used for parades and demonstrations, a nondiscriminatory licensing regulation, to prevent the streets from becoming clogged with meetings, is constitutional. While such restrictions necessarily reduce the absoluteness of freedom of speech, some accommodation of competing interests

(Continued on page 276)

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The Irish Famines

THE GREAT HUNGER. By Cecil Woodham-Smith. Harper & Row. 510 pp. $6.95.

Sean O'Faolain

"Among those who died in Canada," writes Mrs. Woodham-Smith of the vast emigration from Ireland between 1846 and 1851, "was the wife of one John Ford, a small farmer from County Cork. John Ford escaped fever and went on, by one of the customary emigrant routes, through the Great Lakes to Detroit, where he carved himself a farm out of the wilderness. He was the grandfather of Henry Ford . . . founder of the modern automobile industry."

A million half-starving John Fords must have crossed the Atlantic in those years. The ships, which treated them as ballast, were known to Irish tradition as "coffin-ships"; so many died on the way that one of the emigration commissioners said: "If crosses and tombs could be erected on the water the whole route of the emigrant vessels from Europe to America would long since have assumed the appearance of a crowded cemetery." In their new country they died like flies and multiplied like rabbits. In the Irish quarter of Boston there was a birth for every fifteen emigrants every year, as against a birth for every fifty in non-Irish quarters. Exploited, despised, living in hideous conditions, they created an Irish image, which it has taken a hundred years to obliterate, of the fighting, laughing, hard-working, politically crooked, law-breaking, feckless, loud-talking, England-hating, whiskey-sodden denizen of the slums of Paddy Town, Irish Town or The Irish Channel. When Baylor University in Texas banned *A Long Day's Journey Into Night* a few weeks ago it gave the back of its Baptist hand to one of their most famous descendants. When Edwin O'Connor wrote *The Last Hurrah,* he not only forgave but justified a second. The White House. . . .

Sean O'Faolain, writer and critic, is the author of A Nest of Simple Folk, Bird Alone, De Valera, Come Back to Erin, The Vanishing Hero, *among many other books. He has recently returned to Ireland after teaching in the creative writing program at Princeton University.*

But all this is now a commonplace of history. Time, the success of the Irish in America, the establishment of the Irish Republic, the contentment of its citizens, and their generous feelings of complete friendship for the innocent successors of their former, and most guilty, mass-slaughterers have now assuaged all bitter memmories—until one opens a book like Mrs. Woodham-Smith's grim and terrifying *The Great Hunger.* Then, to one's horror, it all comes welling up again, atavistically, in such gushes of black rage and hot tears that one has to lay down the book at every third or fourth page to control oneself. This vivid-scholarly history of the successive Famines that killed off a million and a half men, women and children of plain belly-griping hunger, Asiatic fever, typhus and cholera could not, in fact, have been written by a native Irish Catholic of peasant stock—as we practically all are. We could not have controlled it. Mrs. Cecil Woodham-Smith, C.B.E., author of *The Reason Why* and *Florence Nightingale,* was the ideal person for the task of recording this immense, involuntary genocide. Born in Ireland, of the Fitzgeralds of Carlow, married and living most of her life in England, she has not only controlled her appalling story but applied to it that most effective of English techniques, dry understatement, which is far more murderous than any amount of Irish passion.

The Famines—they went on and on — began, as everyone knows, with the loss of the Irish potato crop of 1845, from a blight caused by a fungus that could turn all the potato fields of a country black in a single night. It still happens. In 1928, New York State lost 13,000,000 bushels from this fungus. The blight probably reached Europe in one diseased tuber carried in a ship from North America. We must note, however, that the Famines only *began* in this way, for Ireland was actually not only full of good food during the height of the Great Hunger, but was exporting it to England in shiploads. It is this absurd paradox and all that lies behind it that makes the Irish Famines of universal political interest, and the manner in which the English Government mishandled those recurrent catastrophes a dread warning to all economic theorists.

To Mrs. Woodham-Smith, and she is surely correct in this view, the villain of the piece was the British nineteenth-century economic theory now known as laissez faire: the doctrine, that is, that governments should interfere as little as possible with the autonomy of businessmen, traders, financiers, landlords, and so on down to the smallest dealer who, if he wished to and could do so, should not be prevented from exploiting the poorest citizen in the land. But these "normal processes of trade" did not necessarily include foreign trade, as may be seen by the outstanding example of laissez faire just before the Famine—the Corn Laws. These were, in effect, tariffs to keep out American and Canadian corn so that the British landlord could extract the maximum price from the British consumer by the "normal processes of trade." When, therefore, Sir Robert Peel proposed to abolish the Corn Laws in order to let corn in freely to England and Ireland he aroused such a furious opposition from the landed gentry that he eventually had to resign.

It was in accord with this same theory that Irish landlords squeezed the last halfpenny out of their starving tenants, who raised grain to pay the rent, and died then of hunger. They were trapped. If they did not pay they were ejected or evicted, with the help of the police and the military; thrown, old and tender alike, out on the icy or sodden ditches; and if they there set up shanties, or dug holes and covered them, or piled sods around the claw-roots of trees and cowered under them like cattle, they were ejected again. Addressing the House of Lords in the midst of the Famine, Lord Brougham sturdily defended the operation of the sacred dogma: "Undoubtedly it was the landlord's right to do as he pleased, and if he abstained he conferred a favour and was doing an act of kindness. If on the other hand he chose to stand on his right, the tenants must be taught by the strong arm of the law that they had no power to resist. . . . Property would be valueless and capital would no longer be invested in land if it were not acknowledged that it was the landlord's indefeasible and most sacred

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right to do with his property as he list." (And, of course, with his tenants.)

This was why the face of Ireland was covered with waving fields of ripe corn while the people who grew it starved. "Pay or Get Out!"—the landlords knew no other cry. "Sell your corn and pay us our rents, and after that what you do is your own affair." What the people did was to grow potatoes, and live on them, and with a little milk, breed as hardy a race as ever lived; until the evil blight fell on their sole food. The record after the blight struck, and struck and struck again, is almost unredeemed horror. Children dying slowly with hollow faces, staring eyes and protruding bones; women screaming in hovels in pain and despair; men huddling listlessly under the walls of their ruined cottages; bodies lying where they fell to be gnawed by rats and dogs, or buried in heaps in shallow pits; bands of starving men and flocks of wretched boys roving the country "more like famishing wolves than men," sullen, emaciated, begging for work or food, inspiring fear, existing on berries, cabbage leaves, nettles, clawing up the rotten tubers for the tiniest specks of food; griped by dysentery, hit by cholera, typhus and, as the years grew worse and worse, often by partial blindness. The most terrifying thing about those dying hordes is that hardly a word has come down to us from their parched mouths. Among the Distress Papers for the year 1847 Mrs. Woodham-Smith has found one rude scrawl on a rough piece of paper: "Oh pity us, the farmers and landholders of this county will not give a rood or half a rood to the unfortunate poor to put down turnips to keep them alive. . . . Oh pity us. Oh what must we do and what will become of us. . . . Pity us here, scarce half alive."

The handling of the situation by the British Government was determined from the start by four things: Principle, Ignorance, Ineptitude and Dislike of the Irish. They did not deliberately kill off a million and a half people. They let laissez faire do it. Time and again, Sir Charles Edward Trevelyan, the permanent head of the Treasury, refused to let any useful quantity of cheap corn be distributed to the distressed people because it would be an interference with "the normal processes of trade." He believed that the traders, landlords, gentry and others living among them would, in this inevitable "normal process," manage among them; failing, says Mrs. Woodham-Smith in her dry way, to observe the self-evident truth that Ireland was not England; assuming, in his unimpeachable ignorance, that "the starving west was served by snug grocers and prosperous merchants and a field for private enterprise."

From this bland British ignorance about the ordinary mode of life in the island next door came years of inept struggling with a disaster of such magnitude that, even if the circumstances had been understood, it would have defeated the best efforts of any government at the time. This bungling provides the sole light entertainment of an otherwise harrowing book, so that, time and again, one puts it down in a gust of laughter as if the author were really Nikolai Gogol and the whole thing a bitter farce about bureaucratic bungling in Czarist Russia: as when, in her usual dead-pan manner, the author writes: "When supplies *did*" (in small quantities, I must interpolate) "reach the west coast of Ireland it came as a surprise to find that no satisfactory harbours existed. To Routh this was yet another proof of Irish inadequacy. He wrote to Hewetson, 'It is annoying that all these harbours are so insignificant! It shows Providence never intended Ireland to be a great nation.'"

The comment reveals the natural ingrained dislike of the average Englishman of the time for the Irish as a whole. Mrs. Woodham-Smith aptly quotes Sydney Smith: "The moment the very name of Ireland is mentioned, the English seem to bid adieu to common feeling, common prudence and common sense, and to act with the barbarity of tyrants and the fatuity of idiots." The mass of Englishmen had not read, it would seem, an essential page of their own history which might have informed them, if they could have absorbed it, that ever since the defeat of the Stuarts in Ireland in 1690, England had deliberately set out to produce a nation of impoverished helots. Sooner or later, what happened in the 1840s had to happen.

The only English official of the time who put his finger on what really was happening was Villiers, Fourth Earl of Clarendon, Lord Lieutenant of Ireland from 1847 on. "A great social revolution," he said to Lord John Russell, "is now going on in Ireland; the accumulated evils of misgovernment and mismanagement are now coming to a crisis." The condition of Ireland, he later commented, was that of a "servile war," a rebellion of slaves. Within a year *The Times* had taken the point. "A tremendous crash must come in which all interests and all classes will be swept away." An obscure, native, Irish hunchback named Fintan Lalor —perhaps the sole sound economic thinker that Irish nationalism has ever produced from then to now—had long since come to the same conclusion and in his writings he passed it on to generations of rebels after him. The Famine, he saw, had opened the way to an agrarian revolution. From Lalor to Davitt and Parnell, to the Land League, and on to the final destruction of feudalism after the Rebellion of 1916, the way was clear.

The brightest gleams in this somber story are the gifts of so many people far removed from the rotting fields and their dying people—from New York Jews and old Bostonians, from the Choctaw Indians ("The children of the forest, our red brethren"), from school children in South Carolina, from the Society of Friends in America and Britain, from many private, generous English hands, but perhaps above all from the drunken, struggling, lawbreaking, fighting, laughing, unbreakable Irish poor who had escaped to and survived in The Land of the Free. For decade after decade, on even into my own youth, "An American Letther!" was one of the most common and welcome cries of the rural postman.

There are many monuments to those uncounted dead on whose bones a new nation was one day to be founded. Mrs. Woodham-Smith reminds us of one which I find most moving. It is an inscription on a large stone in Canada where the Victoria Bridge and the railway sidings now cover the fever sheds of Point St. Charles—and where or near where John Ford's wife died with so many like her. The stone reads:

> *To preserve from desecration the remains of 6000 immigrants who died from ship-fever, A.D. 1847-48, this stone is erected by the workmen of Messrs. Peto, Brassey and Betts employed in the construction of the Victoria Bridge, A.D. 1859.*

But my own favorite monument to those times will henceforth be not in stone but in words quoted by Mrs. Woodham-Smith from Benjamin Jow-

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ett, the celebrated Master of Balliol. He said:

> *I have always felt a certain horror of political economists since I heard one of them say that he feared the Famine of 1848 would not kill more than a million people, and that would scarcely be enough to do much good.*

The gentleman referred to was Nassau Senior, one of the advisers on economic affairs to the British Government.

Others may feel that one of the finest tributes to the Irish dead is now *The Great Hunger* by Cecil Woodham-Smith, C.B.E. It is among the most terrible and moving epics ever written of the near-destruction and tremendous tenacity of a whole people.

Getting Off the Limb

THE HARD WAY TO PEACE. By Amitai Etzioni. Collier Books. 285 pp. 95c paper.

Anatol Rapoport

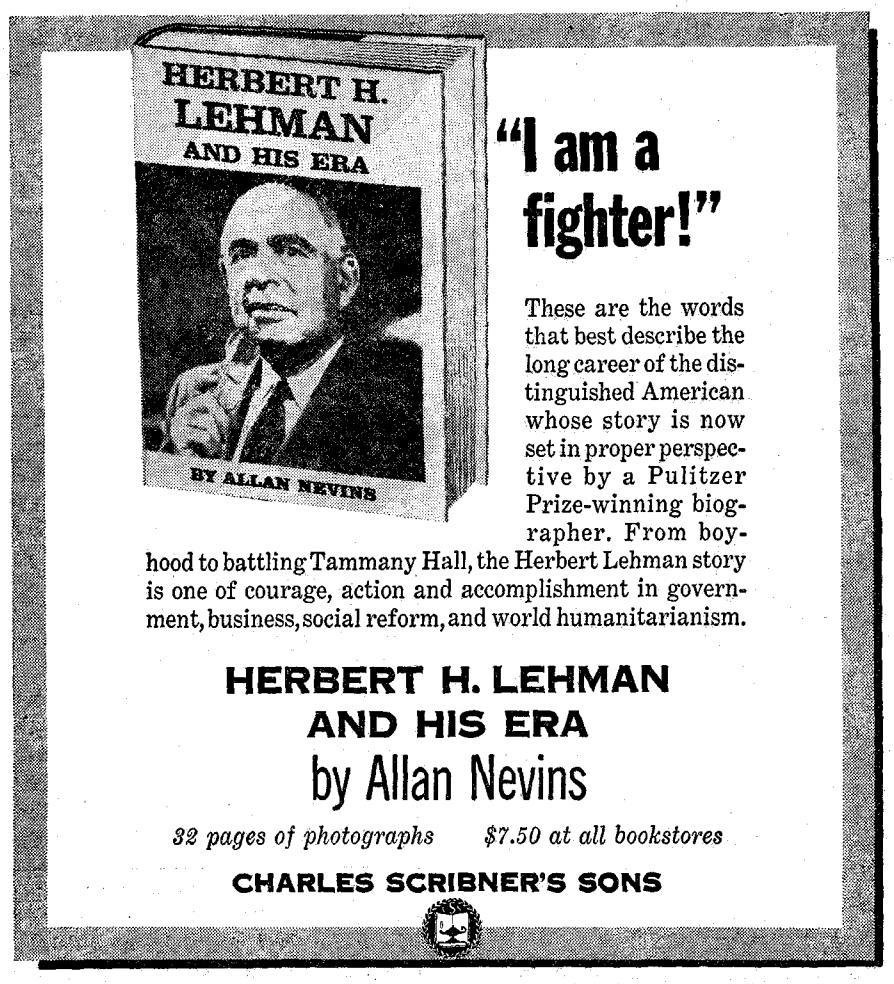
A man trapped on a limb protruding over a precipice still has, in spite of the severe constraint, a choice of several rationalizable courses of action. He can keep sitting there, on the ground that it is too dangerous to move. He can jump off, because it is too dangerous to remain sitting. Or he can try to inch his way back to safety. This last choice would be analogous to "gradualism," the policy recommended by Amitai Etzioni in *The Hard Way to Peace.*

The other choices also have their obvious analogues, but we will not press the allegory. Etzioni does a thoroughly competent job on the various diplo-military "postures" (a term introduced with unintentional appropriateness by military strategists to replace "policy") which have dominated the relations of the United States to the Communist bloc since World War II. He points out tersely the failure of each. "Containment" failed to contain. "Massive retaliation" was revealed for the bluff that it was, especially when the other side acquired retaliatory capacity. The booby traps of "multi-deterrence" are rapidly becoming apparent. Against these, gradualism appears as an eminently reasonable and promising policy, one that derives from a clear appreciation of the bankruptcy of "military strength" in the nuclear age and an understanding of interaction dynamics.

The naive view holds that actors, be they individuals, states or blocs, act as they do because of what they "are." The sophisticated view holds that they act as they do because of the way they are *related*, and moreover that actions and relations are linked both ways: actions modify relations, and relations determine actions. This is not a new idea. It was voiced more than two thousand years ago by Thucydides in relation to Athens and Sparta, and was cast into a mathematical model of arms races by Lewis F. Richardson in 1939.

The basic assumption of gradualism is that the self-aggravating process of threat and counter-threat which is now driving the two blocs to destruction, can be reversed. Gradualism is a program of sequential tension-reducing steps, each depending on the success of the preceding. Its strongest feature is its non-Utopian character. One starts from *here*, and one does not suddenly get "there." One simply takes a feasible step in the right direction. A feasible step is one that cannot rationally be considered to jeopardize "national security," even by conventional standards. Thus the first steps toward disengagement are short and innocuous. But they make subsequent and more substantial steps more feasible.

The program is envisaged in three stages. At first "the United States *unilaterally* takes some symbolic steps to reduce international tensions" (e.g., extending travel privileges to Soviet diplomats). Next the United States "makes some *concessions* expecting the Russians to reciprocate," but not depending initially on reciprocation. The *continuation* of concessions does depend on reciprocation. Finally, after the other side "gets the idea" and, in order to insure a continuation of the process, begins to follow suit, the United States enters the third stage of multilateral negotiations, leading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toward both disarmament and to general political settlement.

The approach is very similar to that proposed by Charles Osgood in an *Alternative to War or Surrender*, and complements it. Whereas Osgood supports his arguments by psychological considerations (which in our strategists' calculations are dismally deficient), Etzioni, a sociologist, emphasizes socio-political ones. He perceives correctly the forces behind the wave of left-wing revolutions and the futility of trying to stop them by force and intrigue. He sees the link between vested economic interests and the arms race, but does not assign to it as the Marxists do the exclusively decisive role in blocking disarmament. The perceptiveness of Etzioni's analysis and the practicability of his proposals combine with a simple, clear presentation to make the book eminently worth while for the general reader, for whom it seems to be written.

However, if the book is indeed addressed to the general reader, one reservation remains. It concerns the impression one gets that the author accepts the conventional American view that communism is a threat to our way of life and that we have no choice but to "fight" it. In that context, he goes on to show how to fight it more effectively, including a policy of encouraging left-wing non-Communist revolutions, and even leaving Communist revolutions alone if they are supported by the indigenous populations. But is Etzioni really pleading, as so many liberals do, for more effective means of "fighting communism," or for something else? The answer is not clear, I suspect, because the major conventional premise remains unexamined.

What is communism? Suppression of political freedom, police terror and the rest, as described in *Reader's Digest*? What, then, is capitalism? Wage slavery and colonialism, as described in *Pravda*? Can enlightenment be served by clinging to outworn clichés? Why not simply say that, not "capitalism" or "communism," but the suppression of political freedom, police terror, exploitation of the propertyless, and colonialism are the evils to fight against? This *is*, in fact, a principal theme in *The Hard Way to Peace*. But dissonant notes are occasionally struck. At one point, for example, he says that cordial relations and aid to some Communist states is the surest way of "undermining communism" in them. Why "undermining?" Why not helping to advance at least some forms of "communism" from a primitive revolutionary-authoritarian system into a politically advanced democratic one? Or does Etzioni believe, like, say, Hayek, that democracy is incompatible with social control of production and distribution? If he does, he should say so, but I do not believe that he does. He makes a sharp distinction between communism and social democracy. But is he sure that, under proper conditions, the former cannot be transformed into a semblance of the latter? Some *capitalist* countries are being transformed into social democracies, and thus invalidating the orthodox Communists' prediction that capitalism can lead only to imperialism, fascism and revolution. Need the dire predictions of *1984* be more accurate? Of such questions there are only hints in Etzioni's book. The way *to peace* as an anti-Communist strategy, on the other hand, finds clear expression.

As I have said, this is a shortcoming if the book is addressed to the general reader, because the object of such a book should be enlightenment. However, Etzioni might have had another audience in mind, namely the policy-makers themselves. In that case, the couching of a peace program in terms of an anti-Communist strategy is defensible, given the imperviousness of present policy-makers to any proposals which do not pay at least lip service to winning the cold war. If Etzioni's purpose was indeed primarily to exert influence, if he meant to enlighten only to the extent necessary for the exertion of influence, then he has gone as far as he could go without sabotaging his own effort, perhaps even somewhat farther. Difficulties in choosing between frankness and effectiveness are overwhelming in this context. Perhaps in the course of writing more books, the serious proponents of peace will learn the knack.

Out in the No. 7

"Hero," claims the metropolitan
newspaper. On the wires his time hubs
the compass. His nerves inkneed—
what? Not
time only. Countdown time. Accounted
time. Speeding and sped light. How
many
times will he climb in, climb out of a
womb? No rhythm-break. He lies
wombed in
listening. No rhythm-break till death:
till then shell's sympathy of sounds
breaks
on the clear, cold heavens.

Sam Bradley

LETTER from BUENOS AIRES

Alex Neish

In some of the Communist countries Victoria Ocampo, Eduardo Mallea and Jorge Luis Borges would have been denounced as deviationists, perhaps even as social traitors. In Buenos Aires, which has long been quietly admiring itself among the revolutions as one of the great cultural centers of the Western world, they are almost an embarrassment. They have sought their mentors abroad and they have been perceptive about Argentine failings to the point of bitter realism. They have completely recast the literary development of their country—and have variously described it in the past as a society "where you have to spend so much of yourself that can never be replaced, slowly burning yourself out in the face of an apathetic public"; where "when people claim to think they are only adjusting their prejudices"; and where "to be a writer is to condemn yourself to a particularly excrutiating form of mental suicide."

What creates the embarrassment is that a new wave of foreign appreciation has recognized them as figures of world importance and has accepted them as the creators of modern Argentine literature—and that Argentina itself can find no reason to dispute the claim.

Each has played a fairly well-defined role in a struggle, dating from the 1920s, whose aim has been basically to give Argentina a literary tradition. Or, perhaps better, it has been to give Argentina a literary tradition that would be relevant to the cities, the industrialization, and escape the romantic hangover of spreading pampas and heroic gauchos. While this had been acceptable enough as expressed in the nineteenth-century epic poem of José Hernández, *The Gaucho Martin Fierro*, for the twentieth cen-

Alex Neish, formerly a British journalist, now lives in Buenos Aires, where he has recently completed a novel, Before the Undertaker Comes.

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tury (when it reached classic expression in the novel, *Don Segundo Sombre*, by Ricardo Guiraldes) it had acquired nuances of nostalgia which could only be debilitating. At this point "the eternal triangle," as a hostile young poet has described them, appeared on the scene.

Victoria Ocampo came from the kind of well-to-do Argentine family in which it seemed natural to have piano lessons at seven in the morning and to be surrounded by English nannies who "were always talking of the Boer War and smelling of English soap." Encouraged to read, she enjoyed a diet of Dickens and Poe, La Fontaine and Conan Doyle, before being taken to France, learning Baudelaire and Verlaine by heart, and having "a furious row" with her father when he caught her reading Wilde's *De Profundis*. Before she came back to Buenos Aires, she was speaking better French than Spanish—and even presumed this was a natural state of affairs till a young man by the name of Ortega y Gasset demonstrated through his brilliant conversation and intelligence that her native language could be at least as beautiful as her acquired one. She began to move in the artistic circles of Europeanized Buenos Aires, and the alienation of the Argentine writer gradually sank into her consciousness.

As she puts it now, "We were perpetual exiles. We understood what came from abroad because we felt it. But in Europe we were exiles from Argentina and in Argentina we were exiles from Europe."

Eduardo Mallea came from a less wealthy but still socially secure family. Born in the port of Bahia Blanca to the south of Buenos Aires, his father was a doctor who read a great deal in French. Mallea went to an English school to read "a weird mixture of Dickens and detective stories," and at the age of thirteen moved with his family to the capital, where he fell increasingly under the influence of French and European writers. He studied law out of deference to his father's wishes, but abandoned it to join one of the main national newspapers. His first book, a collection of stories called *Tales for a Despairing Englishwoman*, was published to great critical applause when he was twenty-three. He had his passport to the literary world—and was "already beginning to feel the isolation, almost the schizophrenia, of an Argentine writer because to be an educated Argentine then was to be Europeanized and a kind of stranger in your own country."

Jorge Luis Borges came from a family well known in Argentine military history but still with a faint literary tradition; his father wrote stories and sonnets. As Borges recalls now, "Because he attached so much importance to the cultural side of life he more or less insisted that I should follow the literary life that had been denied to him. Becoming a writer for me, therefore, was almost an accident: had my father wanted to be a gaucho, he might well have persuaded me to go in for that."

"Packed off" to study in Europe, Borges traveled and studied; he then returned to Buenos Aires to teach and translate and write poetry. In the latter context he was pigeonholed as the leader of the Ultraists, a group of young Argentine writers who were trying to break free from tradition. Perhaps inevitably, the movement developed more and more toward "sterility, thin dry poems . . . and further away from craftsmanship." Realizing this trend, Borges broke away. He saw that Argentina lacked a literary tradition long enough to build upon, that "you must write as an Argentine but an Argentine who is looking out always towards Europe."

Ideally at this point the three should meet and decide upon a common platform. They did meet and that was about what happened. Borges and Mallea sat in a hotel room and tried out translations of *Pomes Peyneach* by James Joyce. Mallea and Waldo Frank insisted that Victoria Ocampo should found a literary magazine to bring South America to the world and the world to South America. Victoria Ocampo and Borges became friends. In 1931 she published the first issue of her magazine *Sur*.

Sur, its associated publishing house, and Victoria Ocampo were to become a potpourri of publisher, patron and literary dragon. Borges was to become the poet and technical experimenter in his *ficciónes* and short stories. Mallea was to define his context in books like *History of an Argentine Passion* and *The White Life* (giving incidentally an unconscious philosophic undertone to the struggle) before going on to his major novels, *The Bay of Silence, All Things Green Will Perish, Sinbad, Chaves*, etc.

In no sense did the three ever form a coherent movement of the kind that has flashed across the United States, England or France. At times their only common meeting point was *Sur*, which was industriously publishing Camus, Faulkner, Joyce, Woolf, Unamuno, et al., to provide an awareness of what was going on in the outside literary world, a polyglot setting for creative work that was able to serve as a substitute for a living Argentine tradition. In thirty years it has never made money, but Mrs. Ocampo insists that "as long as my money lasts the magazine will last."

She has acted as Argentina's propagandist, flitting from England to India, from Paris to New York, sowing her gospel among Sartre, Le Corbusier, Tagore, Stravinsky. She plagued American editors and publishers to introduce Borges to their public—and got nowhere. Borges meanwhile continued to lecture and write his poems, his stories, his *Universal History of Infamy;* and

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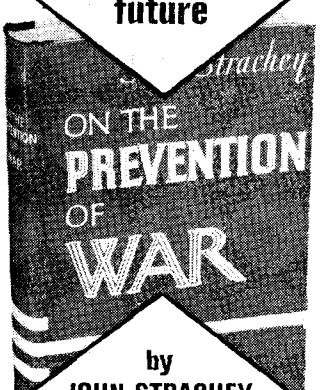

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Mallea proceeded from *Fiesta in November* to *Possession* toward his present list of more than thirty titles. Victoria Ocampo was flung into gaol by Peron, wondered again if all the effort were worth it. Borges continued to feel a desperate sense of failure every time he wrote, became excited about Whitman and Beowolf, and felt sure he was intended to be a teacher of literature rather than a creator. Mallea realized that the work of a writer in underdeveloped countries was complicated by the necessity of creating a world right from the start; that in the face of this and all the other problems, "you may at the end of the day be wrong, but that doesn't matter. You have to fall that others may rise"; but at times of mental anguish was moved to wish "I had not found in my life the hard and terrible fact of creating."

Each one of them was fighting upstream against a public whose interest in and appreciation for literature was minimal and against a *status quo* where books could be published one year and reviewed the next, where books were expensive and promotion rare, where it was an accepted thing for writers to pay for the publication of their own work.

The fact that each of them won through with hardly any help from the majority of their educated fellow Argentines is what creates the feeling of embarrassment today. For that reason it is simultaneously amusing and pathetic to see the self-styled cultural colony of a rather tired Buenos Aires now rushing to honor its prophets. Today, however, the situation is different. Victoria Ocampa has a reputation akin to Sylvia Beach's in the Paris of the '30s and a leading North American publishing house is bidding for her autobiography. Borges has gained the Formentor prize and been published throughout the world. More novels by Mallea have just appeared in France and Germany and others are to appear in America and England.

What is significant, therefore, is not this burst of praise in the upper-class homes of Argentina's cities. It is instead the fact that the younger Argentine writer is beginning to sneer at the "Establishment of the Eternal Triangle," to dismiss *Sur* as reactionary or Borges and Mallea as "out of date." It is becoming clear that, as much as their renovation of Argentine literature, their achievement has been to create an Establishment where before none existed.

Presentiment

A single night
yes
I have known its purpose
even while I slept.
Whom I see
in mirrors this morning
may not have white beard
or hair
but he is different.

Oddly cast
even as the light
of a strange day's
inquiry.

Theodore Enslin

THEATRE

Harold Clurman

In these years of our dismay what has been called "minor Shaw" is fresher than what some may regard as major O'Neill. The lightheaded extravaganza *Too True To Be Good*, a failure in 1931, strikes me as more relevant today than *Strange Interlude*, a most earnest drama and a great popular success in 1928.

Strange Interlude fascinated when it was first produced because it was a pioneer work by America's leading dramatist. It broke new ground, not only by its four and a half hours' playing time, and its use of inner monologue to accompany the traditional dialogue, but also by an attitude its audience found stimulating.

The plot of *Strange Interlude* is basically a *True Confessions* story—the revelation of intimacies not ordinarily to be found in American drama before O'Neill. The play, moreover, has a Strindbergian core with a Freudian slant—still a novelty to theatre audiences in the twenties.

First there is the ideal man with whom Nina (Woman), from Puritan inhibition and her father's possessiveness, never consummated her union. Being ideal, the man is never seen; he has been conveniently disposed of as a casualty of the First World War. Then there are the three substitute figures: the commonplace but decent husband whom Nina loves maternally but with whom she must not bear a child because there is a fatal flaw in his family lineage (symbolic or not, this is indispensable to the dramatist's scheme); next, the virile male most coveted until the woman bears his son; and finally the mother-bound hack novelist, bright, devoted, more or less impotent, in whose arms the resigned woman ultimately rests when they have both passed beyond desire.

This pattern, worked out with the precision of a theorem, is sustained by O'Neill's never-failing soul searching, a genuine anguish primed by his relationship to the various members of his own family. With the aid of his reading (Strindberg and Freud) and the discipline of an attempted objectivity, O'Neill managed to give his abiding romanticism and raw pessimism a quasi-classic dignity. The result is not unimpressive, but even in 1928 I found it humanly immature and artistically unconvincing—defects betrayed by such lines as "sensible unicellular life that floats in the sea and has never learned the cry for happiness! . . . Oh God so deaf and dumb and blind! . . . teach me to be resigned to be an atom!"

Such virtues and faults are still apparent in *Strange Interlude*—the first somewhat diminished, the second conspicuously heightened; but new elements have been introduced into the composition, first by the audience, and then by the production.

The audience at the Hudson Theatre, where the play is being given under the auspices of the newly formed Actors Studio Theatre and José Quintero's direction, finds *Strange Interlude* almost as humorous as it is serious. For this audience, now instructed by plays, films, television, knows all about Freud: that men over-attached to their mothers are unsatisfactory lovers, that women often make an idol of the man they have been deprived of, that a woman seeks lover, husband, friend or father in one man (for lack of which the woman frequently becomes fiend) and that as a mother she sacrifices man to her offspring of whom she in turn becomes possessive till they are strong enough to abandon her, etc., etc. Secure in this knowledge, which it accepts as wisdom, the audience does not reject the play, but laughs contentedly at sharing its "secret." Familiar themes are the most gratifying; the play remains popular. It is now a comedy of complexes.

The production commands a galaxy

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of good actors, but it is stylistically a hodgepodge. For where O'Neill sharply separates the actual dialogue from the inner thought sequences, the direction takes so little account of this division that the presumably silent speculations are frequently more vehemently expressed than the active speech. But there is a still subtler stylization in O'Neill's text. He maintains a certain loftiness of tone so that the stamp of a grandiose (Greek drama?) elevation will mark the whole. The acting in the new production is lackluster naturalism. What "style" we now find is provided by sets that revolve and drops that change in view of the audience—an increasingly fashionable device, and in this case a silly one, particularly when the sets are as tatty and occasionally as ugly as these are.

Geraldine Page, the new Nina, is one of the most talented actresses in our theatre. Everything she does is true. In each situation her thought and feeling flow freely without the slightest heaviness or strain. (Note the scene in which she hears that she must not have a child by her husband. Or the scornful glance, of fine comic point, which she levels at the sexually quiescent Charley when he intimates that he has had many "adventures.") But Miss Page —except when she is playing such parts as those in *Summer and Smoke* and *The Rainmaker*—needs a marked characterization or some clearly defined style to be altogether effective. As Nina she has neither. She plays the part as herself (always, I repeat, with touching sensibility), but this only makes the play lose that dimension of grandeur without which it becomes flabby, almost trivial.

Still, Miss Page carries her naturalness naturally! Most of the others—all of them gifted—seem uncomfortable, tense or featureless with it. Ben Gazzara, who plays a tough-minded doctor, makes the impression of a reformed hoodlum embarrassed by his gentlemanly disguise. Pat Hingle as the nice husband does characterize —too much—so that something of Steinbeck's Lennie emerges. In greater repose, William Prince as the neutral novelist misses some of the pathos of his part, but he would still seem in the picture if there were a picture. Though the play merits revival, it has not been given the kind of production that we imagine or hope for from the Actors Studio Theatre.

There is something lacking, for the given assignment, in most of the well-seasoned actors who compose the cast of *Too True To Be Good* (54th Street Theatre). Yet because Albert Marre's direction aims at the right target the production comes off. The play retains its entertainment value without loss of meaning.

Shaw's text was originally overlong. Now, perhaps because some of the actors are unable to deliver very extended speeches with the necessary ease, rapidity and clarity, the text has been cut more than it should have been to attain its full stature. Yet the essence is still there.

Too True To Be Good anticipates the "beat" or the Theatre of the Absurd; Shaw wrote it almost thirty years before that term and practice became the mode. It is a play by a deeply disturbed moralist in the shape of a whacky farce. Its events are as unreal as those of a vaudeville skit, and it is so directed. Its pith is the breakdown of belief in the values held inviolable till the First World War shot them all to hell.

Here are some lines from the great peroration: the characters, says the playwright's alter ego, are all

. . . falling, falling, falling endlessly and hopelessly through a void in which they can find no footing. There is something fantastic about them, something unreal or perverse, something profoundly unsatisfactory. They are too absurd to be believed in; yet they are not fiction: the newspapers are full of them. . . . How are we to bear the dreadful new nakedness: the nakedness of the souls who until now have always disguised themselves from one another in beautiful impossible idealisms. . . . Our souls go in rags now; and the young are spying through the holes and getting glimpses of the reality that was hidden. And they are not horrified: they exult in having found us out; . . . we have outgrown our religion, outgrown our political system, our own strength of mind and character. The fatal word not *has been miraculously inserted into all our creeds: in the desecrated temples where we knelt murmuring "I believe . . . we will not kneel and we do not believe. . . . But what next? Is No enough? For a boy, yes; for a man, never. Are we any the less obsessed with a belief when we are denying it than when we are affirming it? . . .*

Thus Shaw is seeking a Yes amid the Nos, and confessing at the end that he is empty-handed, that he is "ignorant, intimidated." His last words are that he will continue to "preach and preach and preach no matter how late the hour, how short the day, no matter whether I have nothing to say. . . ." He is waiting (like Beckett's bums) for a new message which will realize at last "the Kingdom of God and the Power and the Glory."

The spark of this pathetic prayer is what keeps Shaw in this play so thoroughly alive: sharp, witty, vigorous and aware as few others in his day or in ours have been.

Robert Preston, an actor of good will, reads with force and sense, Glynis Johns has a contemporary baby-woman appeal, David Wayne as Private Meek, who is T. E. Lawrence affectionately recalled, strikes the proper vein and Cyril Ritchard also keeps in tune. Though very few in the cast are sufficiently "dry British" or nimble enough intellectually, they all (together with the scene designer Paul Morrison) contribute good spirits and go to the occasion.

Poem

The gray room
the gray
at the end
of the bed here
studying one's palms.

Aram Saroyan

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(Continued from page 268)

which also merit protection is obviously legitimate.

In this connection, two state courts have suggested that outside speakers could be banned from campuses altogether, as an appropriate means of reserving the facilities for their primary educational function. These suggestions may be subject to criticism on the grounds that they assume too limited a view of "education," but let us assume that they are correct. Even if correct, they clearly will not support the type of speaker bans rehearsed within the last year at many of our state colleges. For these colleges were not enforcing a uniform restriction against *all* outside speakers. Rather, they permitted some speakers to appear, and then excluded others. But the protection of competing ideas will not support the opening of the campus for some speakers to the exclusion of others, and certainly not when the exclusionary decision is made on the basis of the speakers' affiliations or points of view. Indeed, the same two state courts that indicated a willingness to protect campuses from uninvited speakers generally actually held in the cases before them that equal protection was denied when the schools admitted some speakers but kept others out.

Still, it may seem that a rule excluding only those speakers whom the university administration considered incompatible with the school's "educational purposes" would be constitutional. But this formulation is entirely too slippery and tends dangerously to frustrate the protective purpose of the clear-and-present-danger test. A test based upon a decision that a proposed speech must "contribute to some educational purpose" is so vague that courts are unlikely to reconcile it with the due-process clause. The judicial objection is that since reasonable men may disagree as to what constitutes an "educational purpose," the rule entrusts arbitrary authority to the enforcing administrator, while providing him with inadequate guides as to its proper application. When Hunter College refused William Buckley the use of an auditorium because his appearance would not be compatible with the aims of the college, a New York Court reversed the university's decision and held that such a rule is unconstitutionally vague.

Second, such a rule frankly misapprehends the proper limitation on freedom of speech which may be made in deference to competing interests. The mere *irrelevance* of a proposed speech to the primary use of state property has generally not been held by the Supreme Court to justify its restraint. Rather, only when the proposed speech would *intolerably burden* the use of facilities for other appropriate purposes may the speech be restrained. For example, municipal officials cannot prevent assembly in a public park on the grounds that the proposed gathering will not affirmatively contribute to the park's primary use as a place of recreation or refreshment, as the Supreme Court noted in *Hague v. CIO*. Even street-corner meetings have been protected up to the point where the gathering crowd became so large as to overflow into the street and block traffic.

Constitutional restrictions against guest speakers who are invited by student groups to speak on a political subject are thus very limited. They must be based on substantial evidence that the speaker would advocate unlawful action under circumstances where his audience is likely to take his advice, or on a supportable decision that for the time and place proposed, the planned speech would substantially disrupt the regular university business. Few of the bans imposed within the last year lie within these limitations. Evidently, as in matters of race relations, the Constitution exacts a greater measure of toleration of free speech than our state universities are otherwise inclined to acknowledge. It is probably well for all of us that it does.

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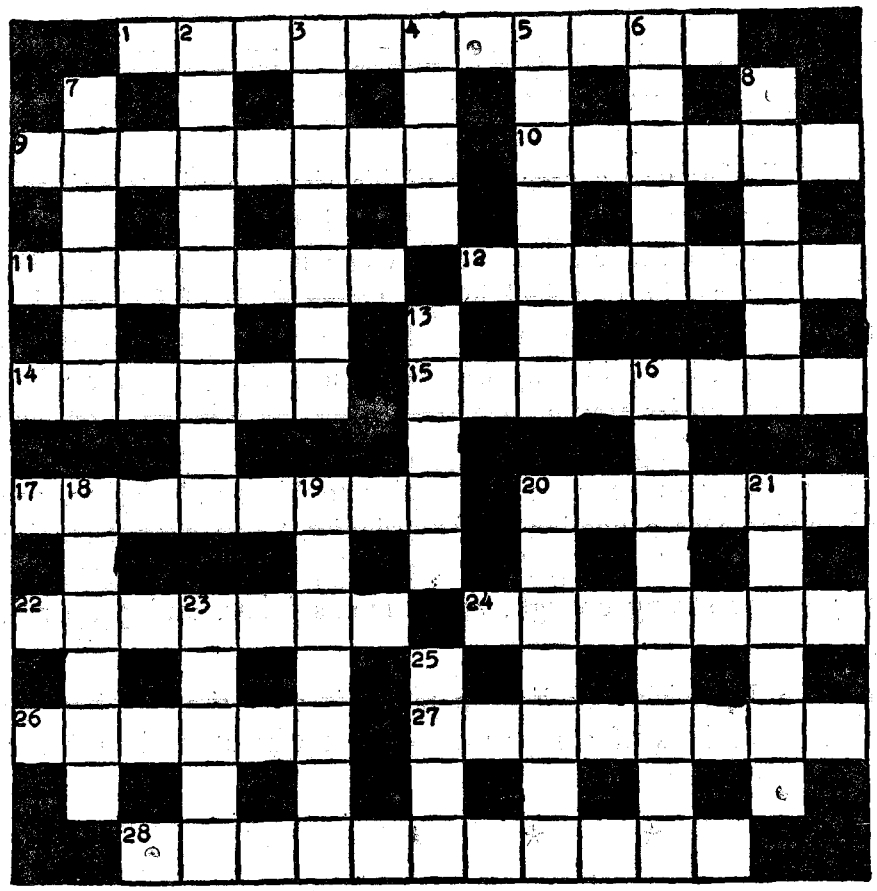
Crossword Puzzle No. 1,004

By FRANK W. LEWIS



ACROSS:

1 See 7 down
9 Does he care for Billy? Probably.
10, 25 down and 26 across Implying the second is always sharp? (5, 1, 4, 6)
11 Levied by the star of "Blackmail," perhaps. (7)
12 It might prove the pessimist is out on an error. (7)
14 The sort of drug no refining will put in powdered form. (6)
15 see 24 across
17 Atmospheric pressure? They don't go off into a cultivated color here! (3, 5)
20 Behavior, in part. (6)
22 Concerning someone who might be 20, and important in the atomic age. (7)
24, 4 down and 15 across Implying those at the end of the queue take the same bus, with something to read. (3, 4, 4, 8)
26 See 10 across
27 One runs a product of it, which proves one's inability to act sensibly. (8)
28 Does one regret sending them?

DOWN:

2 Where links might be charged? (2, 3, 4)
3 Sachet is, but might be a sort of let-down. (7)
5 Not equivalent to Americanization, since it takes pull to be this. (7)
6 Are they creatures of ourselves, in the end? (5)
7 and 1 across ——— with Brother Luce? (6, 5, 6)
8 Only the illiterates should think this country oil-producing. (6)
13 Guide part of the last of 9? (5)
16 Does one find it a little different, or pleasantly exciting if something does. (9)
18 Cold in the chest? What should you expect? (6)
19 Clamped on a pole and set awkwardly in the backdoor? (7)
20 Did it imply a one-way crossing, with only one arch? (7)
21 No rest for the wise, rather than the wicked! (6)
23 Originally Latin, I believe! (5)

SOLUTION TO PUZZLE NO. 1,003

ACROSS: 1 Resorts; 5 Dastard; 9 Confirm; 10 Clamant; 11 and 6 down Dwarf stars; 12 Homesites; 14 and 13 Prowled; 15 Subside; 18 and 20 Seared; 21 Address; 26 Republics; 29 Adipose; 30 Exigent; 31 Sinuses; 32 Augured. DOWN: 1 Recede; 2 Syntax; 3 Reinforce; 4 Somehow; 5 Decamps; 7 Abattoir; 8 Detested*; 16 Burrowing; 17 and 28 Denounce; 18 Saurians; 19 Adoption; 22 Slicers; 23 Tessera; 24 Endear; 25 Vested; 27 and 23 Bookstore.

*Sorry, the clue to this word was inadvertently omitted last week. The clue (8 Down): "Examination indeed! No wonder it isn't popular! (8)"

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